

US DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
FILED
FEB 13 2018
David A. Bradley, Clerk of Court

Paul R. F. Schumacher,
Plaintiff.

v.

Case No.

Capital Advance Solutions LLC
Charles Betta
Dan Logan,
Defendants.

COMPLAINT FOR A CIVIL CASE

I. Parties to This Complaint

A. The Plaintiff

Name: Paul R. F. Schumacher

Address: 1512 Oakview St. Bryan, TX 77802

Email Address: Paul.R.F.Schumacher@gmail.com

B. Defendants

Defendant No 1:

Name: Capital Advance Solutions LLC

Address: 1715 NJ-35, Middletown, NJ 07748

Phone: (732) 865-805

Defendant No 2:

1 Name: Charles Betta

2 Title: President

3 Address: 208 Marina Drive, Highlands, NJ 07732

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5 Defendant No 3:

6 Name: Dan Logan

7 Title: CFO

8 Address: via Company

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10
11 **II. Basis for Jurisdiction**

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13 47 USC 227 (b)3 and (c)5 establish a right of private actions for citizens who have
14 received telemarketing calls in contravention of those sections. These actions simultaneously
15 violated TX Code 304.252, and that cause is brought as a concomitant action. Plaintiff
16 resides in this court's district, and the cause of action is a federal question. Therefore, per
17 28 USC 1331, this court is the appropriate venue. The court has personal jurisdiction over
18 the defendants as they conducted business (their telemarketing campaign) in this district
19 and state, making them subject to both the state law and this court's jurisdiction on the
20 federal question.

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22 **III. Statment of Claims**

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24 Paul R. F. Schumacher (Plaintiff) alleges the following facts of this case:

- 25 1. Plaintiff received a series of at least 10 telemarketing calls attempting to sell Plaintiff
26 a business loan. (all times CST)

27 15-Sep-15 9:46

28 30-Nov-15 14:36

1 20-Jan-16 9:27

2 8-Feb-16 12:27

3 15-Feb-16 10:30

4 8-Mar-16 11:54

5 17-Mar-16 13:59

6 18-Mar-16 9:44

7 30-Mar-16 9:12

8 5-Apr-16 11:16

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10
11 2. Plaintiff is on the national do not call registry, and has no prior relationship with the
12 defendants, thus the calls were in violation of 47 USC 227 (c) and implementing rules
13 and regulations.

14
15 3. The above is also a violation of TX Code 304.252.

16
17 4. The calls were a pre-recorded message made to Plaintiff's cell phone, thus the calls
18 were in violation of 47 USC 227 (b) and implementing rules and regulations.

19
20 5. The proceeding three violations are all explicitly given private cause of action in their
21 appropriate sections.

22
23 6. The calls also violated other FCC, FTC, and Texas regulations, including spoofing
24 their caller ID and failing to properly identify the business when asked or at the start
25 of the call. The former constitutes a fraudulent and unlawful act in support, and
26 the latter is an unlawful act in support of the primary causes of action, and plaintiff
27 asserts harm from these unlawful acts taken to aid and abet the primary causes of
28 action.

1 7. Via investigative technique, Plaintiff successfully identified that the calls were being
2 made by or on the behalf of Capital Advance Solutions, LLC.

3
4 8. Plaintiff asserts personal liability by the company president and CFO for creating
5 and implementing a business strategy reliant on unlawful actions to their personal
6 enrichment. Under the TCPA (47 USC 227), causing or directing calls to be made
7 in violation of these laws and their implementing regulations incurs liability equal to
8 actually making the calls.

9
10 9. The BBB and various telemarketing complaint sites list many complaints about the
11 practices by the defendants.

12
13 10. When Plaintiff followed up with defendants and asked about their TCPA compliance,
14 they mocked plaintiff for complaining and refused to take responsibility for their
15 violations. Plaintiff alleges that this response in addition to the numerous other
16 complaints over the years shows that defendants are well aware of their actions and
17 are wilfully violating the law.

18
19 **IV. Relief Sought**

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21 1. 227 USC (b) 3 specifies a claim for \$500 per call, triple for willful violations.

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23 2. 227 USC (c) 5 specifies a separate claim for \$500 per call, triple for willful violations.

24
25 3. TX Code 304.252 specifies a claim for \$500 per call.


26 The above amounts come to \$3500 per call. The standard penalty for fraudulent actions
27 taken to aid and abet unlawful behaviour is equal to the damages for the unlawful behavior
28

1 itself, which comes to another \$3500 per call. At 9 calls being litigated, this results in \$63000
2 in statutory and punitive damages.

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4 **V. Certification**

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6 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of
7 my knowledge, information, and belief that this complaint: (1) is not being presented for
8 an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase
9 the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for
10 extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary
11 support or, if specifically so identified, will likely have evidentiary support after a reasonable
12 opportunity for further investigation or discovery; and (4) the complaint otherwise complies
13 with the requirements of Rule 11.

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16 Dated: February 9, 2018

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19 Paul R. F. Schumacher
20 Plaintiff (Pro Se)
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1512 Oakview St.
Bryan, Tx 77802

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David J. Bradley, Clerk of Court

Clerk of Court
PO Box 61010
Houston, Tx 77208

NORTH HOUSTON TX 77060

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